

As noted above, these factors demonstrate with compelling force that the Lake Placid community cannot fairly be subsumed into that urban community on Lake Champlain. Only 8% of Lake Placid's full-time employees work *anywhere* outside Essex County. The area has its own Chamber of Commerce, its own government, police, fire, medical, school, college, post office, transportation, and library facilities, and its own media outlets. It is geographically separated by the Adirondacks from Plattsburgh, which lies nearly 30 miles from North Pole and 39 miles from Lake Placid. In short, there is no basis for depriving the Lake Placid area of its long established right to a first local service.

II. WPTZ's Petition Must be Denied in Order to Ensure Preservation of the Historic Right of Lake Placid Area Residents to Receive Principal Community Coverage.

As the Commission has recognized, "the public has a legitimate expectation that existing service will continue and this expectation is a factor we must weigh . . . against [any] service benefits that may result from reallocating . . . a channel from one community to another."^{29/} One of the principal benefits accorded to residents of a community of license is the assurance that they will continue to receive "principal community" coverage. 47 C.F.R. § 73.625 (DTV). In the analog context, that right, which guarantees those residents technical service of a quality better than Grade A coverage, has long been regarded as "essential to our television allocations

^{29/} See *Amendment of the Commission's Rules Regarding Modification of FM and TV Authorizations*, 5 FCC Rcd 7094, 7096 (1990).

system.”^{30/} In the digital context, that right is needed to ensure that they will receive any service at all.^{31/}

WPTZ asserts that there will be “no change in the area or population served by the station” because “petitioner does not propose to relocate the transmitter site for Station WPTZ,” and “is not proposing to operate Station WPTZ-DT on another channel or proposing to relocate its digital transmitter facilities.”^{32/} But the change of community of license that WPTZ does propose would relieve it of the obligation to continue to provide Lake Placid area residents with “principal community” coverage. This concern is by no means an academic one in this case. As noted above, WPTZ is actively planning to locate its DTV facilities on Mt. Mansfield in Vermont. In 1996, the station’s general manager made clear that “WPTZ wishes to broadcast from Mt. Mansfield in the ATV world,” and it has continued to participate since that time in the active efforts of the group of broadcasters planning the design of DTV facilities at that site in Vermont.^{33/} Any such move would likely have a drastic effect on WPTZ’s ability to provide digital service to the Lake Placid area.^{34/} As demonstrated in the attached engineering statement, DTV service from Mt. Mansfield could result in a loss of noise limited coverage to almost one-

^{30/} *Central Coast Television*, 14 F.C.C.2d 985, 994 (Rev. Bd. 1968) (quoting *Oklahoma Television Corp.*, 17 R.R. (P&F) 718, 722 (1958), *review denied*, 18 F.C.C.2d 885 (1969), *petition for remand denied*, 21 F.C.C.2d 363 (1970).

^{31/} See 47 C.F.R. §§ 73.622(e)(1) & 73.625(a)(1).

^{32/} *Id.* ¶ 4; see also, ¶ 7 (“As with petitioner’s NTSC channel, petitioner is not proposing to . . . relocate its digital transmitter facilities”).

^{33/} Declaration of Peter R. Martin, ¶ 3, and ex. 3 (attached hereto).

^{34/} Engineering Statement of William F. Hammett at ex. 4 (attached hereto).

quarter of the population of Lake Placid, and eliminate such coverage to 96% of nearby Saranac Lake.^{35/}

Lake Placid area viewers have a legitimate expectation of sharing in the benefits of digital technology,^{36/} particularly since at the end of the digital transition, they will no longer enjoy analog reception.^{37/} Accordingly, it is particularly important that the Commission deny the petition in order to ensure preservation of the right of Lake Placid area residents to service in the digital age.^{38/}

^{35/} *Id.*

^{36/} The Commission emphasized throughout the DTV implementation proceeding its intention to foster "an expeditious and orderly transition . . . that will allow the public to receive the benefits of digital television." Fifth Report & Order, MM Docket 87-268 ¶ 4 (April 21, 1997). By referring to "the public," the Commission did not mean large population centers; rather, it intended the "introduction of a free and universally available digital broadcast service." *Id.*

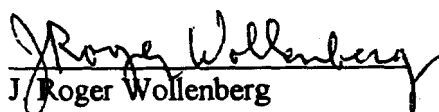
^{37/} Analog service is scheduled to end on December 31, 2006. See 47 U.S.C. § 309(j)(14).

^{38/} As noted in the attached engineering statement, it would also appear that any DTV move to Mt. Mansfield could result in the loss of digital service to 82% of Franklin County, representing over 21,000 people. See Engineering Statement of William F. Hammett. Moreover, relocation to Mt. Mansfield could result in impermissible interference with Canadian land mobile operators on Channel 14 and LPTV stations in Burlington, VT and Binghamton, NY. *Id.*

Conclusion

For the reasons stated above, WPTZ's petition should be denied.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "J. Roger Wollenberg", written over a horizontal line.

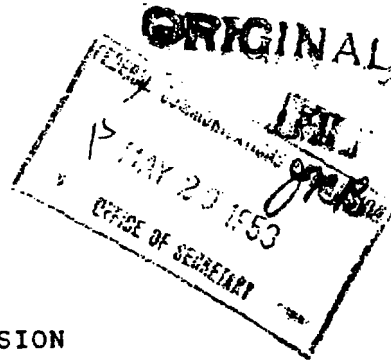
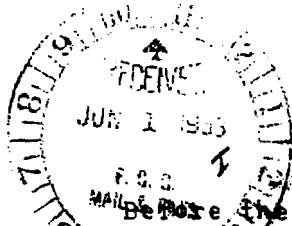
J. Roger Wollenberg

Joel Rosenbloom

William R. Richardson, Jr.

Michael A. McKenzie

EXHIBIT 1



FEDERAL COMMUNICATIONS COMMISSION
Washington 25, D. C.

May 29, 1953
#10562

In the Matter of

Amendment to Section 3,606
Table of Assignments, Rules
Governing Television Broadcast
Stations

Docket No.

Docket Section -
Orig + 14 List 8
(b/c)

PETITION TO AMEND TABLE: CHANNEL 5, LAKE PLACID, NEW YORK

Lynn C. Smeby and others respectfully request the allocation of Channel 5 to Lake Placid, New York. In support thereof it is shown:

1. Lake Placid, New York, is a community of 2,999 persons (1950 U. S. census) for which no television channel has been allocated; the nearest assignment is Channel 18 for Saranac Lake.
2. There are no existing TV stations near Lake Placid and it is believed that there will be none for some time.
3. Because of the mountainous terrain in the general area of Lake Placid a UHF channel does not provide adequate service for many of the inhabitants who live in small towns located principally in the valleys between the mountains. Furthermore, from an economic standpoint it is desirable to offer a good signal in a thinly populated area. Such needs can best be met by the assignment of a VHF channel.
4. Petitioners propose the allocation of Channel 5 to Lake Placid which is the center of a large rural and resort area. A station located near Lake Placid will provide a service to this population which is "snowed in" during part of the winter and therefore will greatly benefit from a television service which it does not presently have.

5. There do not appear to be any engineering objections to the proposed allocation. See engineering statement attached hereto and incorporated by references.

6. If the proposed allocation is made, petitioners stand ready to file an application using an excellent site from which a large area will receive a good signal.

WHEREFORE petitioners pray that this honorable Commission adopt a notice of proposed rule making and take whatever further steps are necessary in order to allocate Channel 5 to Lake Placid, New York.

Respectfully submitted,

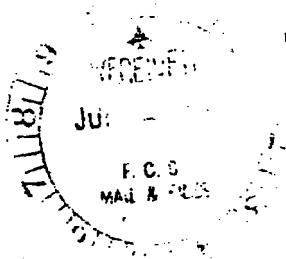


A. L. Stein
Attorney for Petitioners

Warner Building
Washington, D. C.
May 29, 1953

LYNNE C. SMEBY
CONSULTING RADIO ENGINEER
1311 G STREET, N. W.
WASHINGTON 5, D. C.

TELEPHONE
EXECUTIVE 3-8073



May 29, 1953

Mr. T. J. Slowie
Secretary
Federal Communications Commission
Washington, D.C.


re: Proposed TV Channel
5 for Lake Placid,
New York

Dear Mr. Slowie:

A study I have made shows that it is feasible to assign TV Channel 5 to Lake Placid, New York. Following are pertinent factors:

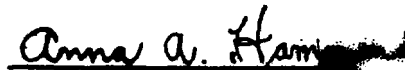
- 1 - No VHF channel is presently assigned to Lake Placid, Essex County, nor to any other community in Northern New York.
- 2 - Northern New York is very mountainous and people in general live in the valleys between the mountains. Even after UHF stations are operating on all of the allocated channels in Northern New York much of the population will still be without service because of line-of-sight obstructions by mountains. A VHF station will not be affected nearly as much as a UHF station and therefore will render a much greater and better service to the area.
- 3 - The nearest co-channel assignment is to Quebec, Quebec at a distance in excess of 210 miles. The nearest adjacent channel assignment is channel 6 in Montreal, Quebec at a distance in excess of 80 miles. The location of post offices in these three cities are unknown; however measurement on a Sectional Aeronautical Chart shows the above distances between the closest points in each pair of cities.
- 4 - The assignment of channel 5 to Lake Placid will not require any change in the present table of assignments.

This is to certify that my qualifications as a radio engineer are a matter of record with the Commission and that the above is true and accurate to the best of my knowledge.


Lynne C. Smeby

(seal) Subscribed and sworn to before me this 29th day
of May 1953.

My Commission expires
May 14, 1958


Notary Public, D.C.

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington 25, D.C.

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In the Matter of

Amendment of Section 3.606
Table of Assignments, Rules
Governing Television Broadcast
Stations

Docket No. 10562

NOTICE OF PROPOSED RULE MAKING

1. Notice is hereby given that the Commission has received a proposal for rule making in the above-entitled matter.

2. The Commission has before it a petition filed by Lynne C. Smoby, Washington, D.C., on May 29, 1953, and now made part of this docket, requesting an amendment of Section 3.606, Table of Assignments, Rules Governing Television Broadcast Stations as follows:

Add to Table of Assignments under the State of New York:

	<u>Channel No.</u>
Lake Placid	5

The following changes with respect to the offset carrier requirements only will be required as a result of the assignment of Channel 5 to Lake Placid:

	<u>Present</u>	<u>Proposed</u>
Bangor, Maine	5-	5/
Boston, Massachusetts	5	5-

3. In support of its requested amendment petitioner urges that Lake Placid, to which no television assignment has been made, is the center of a large rural and resort area; that there are no existing television stations near the community; and that the assignment as proposed is technically feasible.

4. Authority for the adoption of the proposed amendment is contained in Sections 4(i), 301, 303(c), (d), (f), and (r) and 307(b) of the Communications Act of 1934, as amended.

5. Any interested party who is of the opinion that the amendment proposed by petitioner should not be adopted or should not be adopted in the form set forth herein may file with the Commission on or before July 20, 1953 a written statement or brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. The Commission will consider all such comments that are submitted before taking action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

6. In accordance with the provisions of Section 1.764 of the Commission's Rules and Regulations, an original and 14 copies of all statements or comments shall be furnished the Commission.

SIGNED BY
MAILED BY

FEDERAL COMMUNICATIONS COMMISSION JUN 30 1953
T. J. Blawie
Secretary

Adopted: June 25, 1953

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington 25, D. C.

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In the Matter of

Amendment of Section 3.606,
Table of Assignments,
Rules Governing Television
Broadcast Stations

Docket No. 10562 ✓

REPORT AND ORDER

By the Commission:

1. The Commission has under consideration its Notice of Proposed Rule Making issued on June 29, 1953 (FCC 53-777), and published in the Federal Register on July 7, 1953 (18 FR 3943), proposing to assign Channel 5 to Lake Placid, New York.

2. The time for filing comments in this proceeding expired July 20, 1953. No comments were filed opposing the assignment of Channel 5 to Lake Placid, New York. The Commission finds that the assignment of Channel 5 to Lake Placid would comply with the Commission's Rules, and that a finalization of the proposal would serve the public interest.

3. Authority for the adoption of the amendment is contained in Sections 4(i), 301, 303(c),(d),(f), and (r) and 307(b) of the Communications Act of 1934, as amended.

4. In view of the foregoing, IT IS ORDERED, That effective 30 days from publication in the Federal Register, the Table of Assignments contained in Section 3.606 of the Commission's Rules and Regulations is amended as follows:

1. Add to Table of Assignments under the State of New York

	<u>Channel No.</u>
Lake Placid	5

2. Change the Channel 5 assignment in Bangor, Maine from 5- to 5/
3. Change the Channel 5 assignment in Boston, Mass. from 5 to 5-.

FEDERAL COMMUNICATIONS COMMISSION

W. P. Massing
W. P. Massing
Acting Secretary

SIGNED BY ABOVE
MAILED BY

SEP 11 1953

MAIL & FILES

Adopted: September 9, 1953

Released: September 11, 1953

pub

CHICAGO OFFICE
NORTH LA SALLE STREET
DANFORTH 6-1481

BMPCT-2080

WBLD

A. L. STEIN
ATTORNEY
WARNER BUILDING
WASHINGTON 4, D. C.
REPUBLIC 7-7944

April 22, 1954

Federal Communications Commission
Washington, D. C.

RE: Great Northern Television,
Inc. - WBLD - BPCT-1784

Gentlemen:

Transmitted herewith is an application for modification of construction permit to show a new transmitter location and the city to which the above station is to be assigned.

I understand that the C.A.A. office at New York has informally approved the proposed transmitter location; it is believed that a similar clearance will be forthcoming shortly from the local Air Space Sub-Committee.

If any questions arise in connection with this application, please contact the undersigned.

Respectfully submitted,


A. L. Stein

gm

Enclosures

FCC Form 301
Section I

Form Approved
Budget Bureau No. 32-8014-11

United States of America
Federal Communications Commission

APPLICATION FOR AUTHORITY TO CONSTRUCT A NEW BROADCAST
STATION OR MAKE CHANGES IN AN EXISTING BROADCAST STATION
(Revised 8-6-52)

INSTRUCTIONS

A. This form is to be used in applying for authority to construct a new AM (standard), commercial FM (frequency modulation), or commercial television broadcast station, or to make changes in existing commercial broadcast stations. This form consists of this part, Section I, and the following sections:

- Section II, Legal Qualifications of Broadcast Applicant
Section III, Financial Qualifications of Broadcast Applicant
Section IV, Statement of Program Service of Broadcast Applicant
Section V-A, Standard Broadcast Engineering Data
Section V-B, FM Broadcast Engineering Data
Section V-C, Television Broadcast Engineering Data
Section V-G, Antenna and Site Information

B. Prepare three copies of this form and all exhibits. Swear to one copy of Section I. Prepare two additional copies (a total of five) of Section V-G and associated exhibits. File all the above with Federal Communications Commission, Washington 25, D. C.

C. Number exhibits serially in the space provided in the body of the form and list each exhibit in the space provided on page 2 of this Section. Show date of preparation of each exhibit, antenna pattern, and map, and show date when each photograph was taken.

D. The name of the applicant stated in Section I hereof shall be the exact corporate name, if a corporation; if a partnership, the names of all partners and the name under which the partnership does business; if an unincorporated association, the name of an executive officer, his office; and the name of the association. In other Sections of the form the name need be only sufficient for identification of the applicant.

E. Information called for by this application which is already on file with the Commission (except that called for in Section V-G) need not be refiled in this application provided (1) the information is now on file in another application or FCC form filed by or on behalf of this applicant; (2) the information is identified fully by reference to the file number (if any), the FCC form number, and the filing date of the application or other form containing the information and the page of paragraph referred to; and (3) after making the reference, the applicant states: "No change since date of filing." Any such reference will be considered to incorporate into this application all information, confidential or otherwise, contained in the application or other form referred to. The incorporated application or other form will thereafter, in its entirety, be open to the public.

F. This application must be executed by applicant, if an individual; by a partner of applicant, if a partnership; by an officer of applicant, if a corporation or association; or by attorney of applicant only under conditions shown in Section 1.303, Rules Relating to Organization and Practice and Procedure, in which event satisfactory evidence of disability of applicant or his absence from the Continental United States and authority of attorney to act must be submitted with application.

G. Before filling out this application, the applicant should familiarize himself with the Communications Act of 1934, as amended, Parts 1, 2, 3 and 17 of the Commission's Rules and Regulations and the Standards of Good Engineering Practice.

H. BE SURE ALL NECESSARY INFORMATION IS FURNISHED AND ALL PARAGRAPHS ARE FULLY ANSWERED. IF ANY PORTIONS OF THE APPLICATION ARE NOT APPLICABLE, SPECIFICALLY SO STATE. DEFECTIVE OR INCOMPLETE APPLICATIONS MAY BE RETURNED WITHOUT CONSIDERATION.

File No.

BPCT-1784, gr.

Name and post office address of applicant (See Instruction D)

Great Northern Television, Inc.
301 Cornelia Street
Box 136
Plattsburg, New York

Send notices and communications to the following named person at the post office address indicated: Joel H. Scheier with copy to A.L. Stein, Warner Bldg., Wash., D.C.

1. Requested facilities

Frequency	Channel No.	Power in kilowatts	Minimum hours operation daily
76-82	5	Visual 5.5 g.r.p.	8

Hours of operation

Unlimited	Sharing with (Specify Stations)	Other (Specify)
<input checked="" type="checkbox"/>	--	--
Daytime only <input type="checkbox"/>		
Limited <input type="checkbox"/>		

Type of station (as Standard, FM, Television)

Television

Location of main studio

City Terry Mountain State New York
nr. North Pole

2. If authority to make changes in an existing station is requested

a. Present facilities

Frequency	Call	Channel No.	Power in kilowatts	Minimum hours operation daily
76-82	WBLD	5	Visual 3.5	8

Hours of operation

Unlimited	Sharing with (Specify Stations)	Other (Specify)
<input checked="" type="checkbox"/>	--	--
Daytime only <input type="checkbox"/>		
Limited <input type="checkbox"/>		

Location of main studio

City Nr. Bloomingdale State New York

b. If this application is for changes in an existing authorization, complete Section I and any other sections necessary to show all substantial changes in information filed with the Commission in prior applications or reports. In the spaces below check Sections submitted herewith and as to Sections not submitted herewith refer to the prior application or report containing the requested information in accordance with Instruction E. (If contemplated expenditures are less than \$1,000, do not complete Section III. Section IV not required for applications for minor changes not involving change in power, change in frequency, change in hours of operation, or moving from city to city.)

Section No. Para. No. Reference (File or Form No. and Date)

<input checked="" type="checkbox"/> Section II)	BPCT-1784, gr.
<input checked="" type="checkbox"/> Section III)	12/2/53
<input checked="" type="checkbox"/> Section IV)	
<input type="checkbox"/> Section V)	

Have there been any substantial changes in the information incorporated in this application by reference in this paragraph? Yes ☐ No ☒

3. If this application is contingent on the grant of another pending application, state name of other applicant and file number of other application.

INAPPLICABLE

TECHNICAL INFORMATION
IN SUPPORT OF AN APPLICATION
FOR MODIFICATION OF CONSTRUCTION PERMIT

BPCT-1784 CHANNEL 5 57.5KW-ERP

GREAT NORTHERN TELEVISION, INC.

NORTH POLE, NEW YORK

INTRODUCTION

Great Northern Television, Inc., has been granted a permit, File BPCT-1784, to construct a television broadcast station to operate on Channel 5 with 3.55 kw ERP at an antenna height of 2750 feet at Bloomingdale, New York.

Great Northern Television, Inc., is now filing an application for modification of the aforesaid construction permit to specify a transmitter and studio site near North Pole, New York. Likewise, proposed are a different antenna height above average terrain, increased effective radiated power, a different transmitter, and other changes described hereinafter or in the application itself.

All calculations, graphs, elevations, contours and other technical data have been determined in accordance with the methods specified in the Commission's technical standards concerning television broadcast stations unless specifically stated otherwise.

DETAILED NATURE OF MODIFICATIONS REQUESTED

The applicant now proposes to operate on Channel 5 with a visual power of 57.5 kw ERP and an aural power of 28.8 kw ERP at an antenna height of 1605 feet above the average elevation of the terrain within 2 to 10 miles of the transmitter site.

It is proposed to change the transmitter and studio site to Terry Mountain, which is 7.3 miles west of Peru and 12.5 miles northeast of

North Pole The site is in Clinton County, New York. North Pole, a new post office in Wilmington Township, New York, was authorized on December 16, 1953. North Pole, New York, is 10.2 miles from Lake Placid, New York, to which the Commission has assigned Channel 5.

REASONS FOR SELECTION OF NORTH POLE AS THE PLACE WITH WHICH THE PROPOSED STATION WILL BE IDENTIFIED

The reasons for selecting North Pole, New York, as a place with which the proposed Channel 5 station will be identified are as follows:

1. The proposed station should be operated as a station serving the entire area rather than a station whose activities are identified primarily with one of the towns or villages in the area.
2. At the time the construction permit was applied for originally, it was desired to specify North Pole, New York, as the town with which the Channel 5 station would be identified. However, at that time North Pole, New York, was neither an established post office nor was it listed as a town or place in the 1950 Census. We are advised that North Pole was not authorized as a United States post office until December 16, 1953.
3. North Pole is within 15 miles of Lake Placid, New York, to which Channel 5 is assigned by the Commission.
4. We are advised by the president of Great Northern Television, Inc., that the identification of this Channel 5 station with the name of North Pole is more significant from the standpoint of promotion than any other town in the area. In this connection the applicant proposes to broadcast some programs from the Santa Workshop at North Pole.

ANTENNA SYSTEM

The proposed antenna system will consist of a six-section superturnstile television antenna supported by a guyed steel tower, as shown on the antenna sketch of Figure 1. The center of the radiating portion of the television antenna system will be 542 feet above ground, or 2623 feet above mean sea level, with a resultant height above average terrain of 1605 feet. The over-all height of the antenna will be 583 feet above

EXHIBIT 2

EXHIBIT 3

DECLARATION OF PETER R. MARTIN

1. I have served as Executive Vice President and General Manager of Mt. Mansfield Television, Inc., the licensee of WCAX-TV, Channel 3, Burlington, Vermont for 15 years. From 1996 through 1997, I served as Chairman of Mt. Mansfield Co-Location Association (the "Co-Location Association"). I have lived in the Burlington area for over 30 years. Based upon my personal experience, as well as the responsibility of WCAX to be responsive to the problems, needs and interests of its viewers in Vermont and upstate New York, I have become well aware of the political, economic and geographic characteristics of the "Tri-Lakes" area.

2. On January 1, 1996, in my capacity as Chairman of the Co-Location Association, I received a letter from Mr. Robert D. Shields, President and General Manager of WPTZ, Channel 5, North Pole, New York. In that letter, Mr. Shields stated as follows: "I think it's important to notify you and the rest of the co-location committee of WPTZ's goal. Simply, WPTZ wishes to broadcast from Mt. Mansfield in the ATV world." See Letter of Robert D. Shields to Peter R. Martin (January 9, 1996).

3. Over the past several years, WPTZ's actions make clear that it intends to relocate its digital facilities to Mt. Mansfield. Since January 1996, WPTZ has actively participated in the Co-Location Association's efforts to plan the design of DTV facilities at Mt. Mansfield. Those efforts specifically contemplate a design that includes DTV facilities for WPTZ on Mt. Mansfield, and WPTZ has never suggested any alternative site for such facilities.

4. I have collected the Tri-Lakes area information cited in the foregoing "Comments of Mt. Mansfield Television, Inc." from the Lake Placid and Saranac Lake Chambers of Commerce. (See www.lakeplacid.com, www.saranaclake.com).

5. I have reviewed the facts set forth in the foregoing "Comments of Mt. Mansfield Television, Inc." Those facts are true and correct to the best of my knowledge and belief.

Date: 20 AUGUST 1999



Peter R. Martin

EXHIBIT 4

Mt. Mansfield Television, Inc. • Burlington, Vermont

Statement of Hammett & Edison, Inc., Consulting Engineers

The firm of Hammett & Edison, Inc., Consulting Engineers, has been retained by Mt. Mansfield Television, Inc., licensee of Station WCAX-TV, Burlington, Vermont, to provide engineering analysis of certain issues related to TV Station WPTZ, North Pole, New York.

Background

Hearst-Argyle Stations, Inc., licensee of TV Station WPTZ, Channel 5, and Station WPTZ-DT, Channel 14, North Pole, New York, has pending before the Commission a Petition (MM Docket No. 99-328, RM-9669) to re-allot NTSC Channel 5 and DTV Channel 14 from North Pole to Plattsburgh, New York.

Station WPTZ(TV) is licensed to transmit on TV Channel 5 with 25.1 kilowatts non-directional effective radiated power (ERP) from a site at Terry Mountain having an effective antenna height of 920 meters above mean sea level (AMSL) and 607 meters height above average terrain (HAAT). WPTZ-DT is allotted DTV Channel 14 at the same location, with a directional ERP of 216 kW; no construction permit application has yet been filed. WPTZ has been actively planning to locate its DTV facilities at Mt. Mansfield in Vermont (see associated Comments and affidavit of Peter R. Martin).

Power Allowed for WPTZ-DT at Mt. Mansfield

The noise-limited threshold is the minimum signal strength, as defined in Sections 73.622(e) and 73.625(a) of the Rules, that is required to receive DTV service. The 41 dBu F(50,90) coverage of Station WPTZ-DT was projected using both its allotted facilities at Terry Mountain and hypothetical facilities located at Mt. Mansfield. At the same antenna height as WCAX-TV (835 meters HAAT), Section 73.622(f)(8)(ii) of the FCC Rules would limit WPTZ-DT to only 185 kW, although existing Commission policy appears to allow WPTZ-DT to apply for facilities providing coverage equal to "... the same geographic coverage area as the largest station within their market"[†] In this case, the largest station would be WCAX-DT, which was allotted DTV facilities on Channel 53 at 817 kilowatts ERP (DA) and 1,265 meters AMSL.

Coverage analysis has been performed with TIREM to provide an estimate of the population to which service would be lost, were WPTZ-DT relocated to Mt. Mansfield. As discussed above, it is believed that the maximum power that might be assigned to WPTZ-DT at Mt. Mansfield would be that required to produce coverage equivalent to WCAX-DT. Because the two stations operate

[†] See MO&O on Reconsideration, Docket 87-268, February 17, 1998, ¶155.



Mt. Mansfield Television, Inc. • Burlington, Vermont

on different channels, the F(50,90) signal strength values required for equivalent noise-limited coverage will be different: 42.2 dBu on Channel 53 and 38.7 dBu on Channel 14. The 3.5 dB difference in required signal strength required at the two channels implies that a power level lower by 3.5 dB would be assigned to WPTZ-DT, Channel 14, to produce coverage equivalent to WCAX-DT, Channel 53. Therefore, rather than 817 kW, WPTZ-DT would be permitted a maximum ERP of 365 kW at Mt. Mansfield, assuming the same height and location as the WCAX-DT allotment.

Predicted Losses in WPTZ-DT Coverage

Although the FCC contours have historically been used for FCC coverage analysis, it is well known that they are only gross indicators of coverage, primarily because they do not take into account the specific terrain profile between the transmitter and receiver. Other methods, such as the Irregular Terrain Model (also known as "Longley-Rice") and the Terrain Integrated Rough Earth Model (known as "TIREM"), do account for the actual terrain and therefore are more reliable and accurate indicators of "real world" coverage. For its analyses, this firm prefers to use TIREM, which includes Longley-Rice as one of several propagation loss algorithms; additional information concerning the TIREM methodology is given in Figure 4.

Figure 1 is a map that shows the areas predicted to receive 38.7 dBu or better noise-limited service from WPTZ-DT at its allotted location. Figure 2 is a map that shows the areas predicted to have 38.7 dBu or better noise-limited service from WPTZ-DT at Mt. Mansfield (assuming facilities equivalent to those allotted WCAX-DT). Finally, Figure 3 is a map that shows the difference between Figures 1 and 2, i.e., those areas predicted to gain or lose noise-limited service from WPTZ-DT as a result of relocation to Mt. Mansfield. The loss areas shown in Figure 3 include 7,090 square kilometers and 81,239 persons. Although there is no loss of service to Plattsburgh, the losses are dramatic in several areas, as shown in the table below:

<u>District</u>	<u>Service from Terry Mountain</u>	<u>Service from Mt. Mansfield</u>	<u>Difference</u>
Franklin County, New York	25,731 persons	4,704 persons	21,027 persons -82%
Lake Placid, New York	2,297	1,823	474 -21%
Saranac Lake, New York	4,937	176	4,761 -96%

Interference to Other Services

Although considered secondary, LPTV and TV Translator facilities sometimes provide important television service to persons living in communities that are remote or isolated by terrain. Analysis under the methodology specified by the FCC in OET Bulletin No. 69, described more fully in Figure

Mt. Mansfield Television, Inc. • Burlington, Vermont

5, indicates that two LPTV stations are expected to be displaced by the WPTZ-DT facilities, whether constructed at Terry Mountain or Mt. Mansfield: W14BU, Massena, New York, and W14CK, Newport, Vermont. New or increased interference from WPTZ-TV at Mt. Mansfield is predicted to viewers of two other LPTV stations: W14AH, Binghamton, New York (6,751 persons), and W16AL, Burlington, Vermont (135 persons).

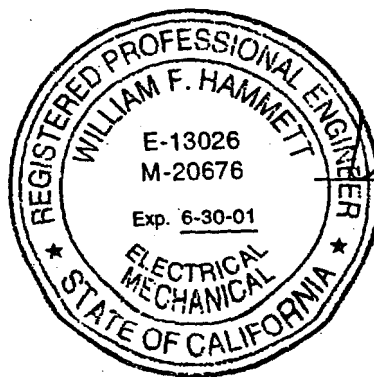
NTSC stations on Channel 14 (470-476 MHz) are known to cause interference to Land Mobile services in the adjacent 460-470 MHz band, and DTV stations, as well, are believed to have potential to cause interference to land mobile operations. It is noted that Mt. Mansfield has superior line-of-sight to large areas of Canada, and so interference with Canadian land mobile operations may be a more significant threat were WPTZ-DT located at Mt. Mansfield.

List of Figures

In carrying out these engineering studies, the following attached figures were prepared under my direct supervision:

1. Map showing terrain-sensitive coverage of allotted WPTZ-DT facility at Terry Mountain
2. Map showing terrain-sensitive coverage of assumed WPTZ-DT facility at Mt. Mansfield
3. Map showing terrain-sensitive coverage differences
4. Description of TIREM methodology
5. Description of OET-69 methodology.

August 20, 1999



William F. Hammett
William F. Hammett, P.E.



HAMMETT & EDISON, INC.
CONSULTING ENGINEERS

Affidavit

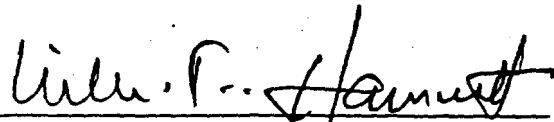
State of California

County of Sonoma

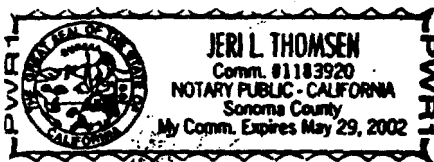
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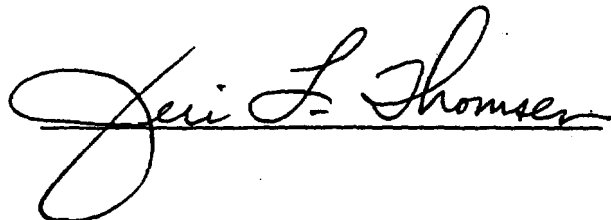
William F. Hammett, being first duly sworn upon oath, deposes and says:

1. That he is a qualified Registered Professional Engineer, holds California Registrations Nos. E-13026 and M-20676, which expire on June 30, 2001, and is a principal in the firm of Hammett & Edison, Inc., Consulting Engineers, with offices located near the city of San Francisco, California,
2. That he graduated from Dartmouth College with a degree in Engineering Sciences in 1977 and from the University of Illinois with a degree of Master of Science in 1978, has completed two years of employment by the Standard Oil Company and five years by Dean Witter Reynolds in various engineering, computer, and management capacities, and has been associated with the firm of Hammett & Edison, Inc., since 1985,
3. That the firm of Hammett & Edison, Inc., Consulting Engineers, has been retained by Mt. Mansfield Television, Inc., licensee of Station WCAX-TV, Burlington, Vermont, to provide engineering analysis of certain issues related to TV Station WPTZ, North Pole, New York,
4. That such engineering work has been carried out by him or under his direction and that the results thereof are attached hereto and form a part of this affidavit, and
5. That the foregoing statement and the report regarding the aforementioned engineering work are true and correct of his own knowledge except such statements made therein on information and belief and, as to such statements, he believes them to be true.


William F. Hammett, P.E.

Subscribed and sworn to before me this 20th day of August, 1999





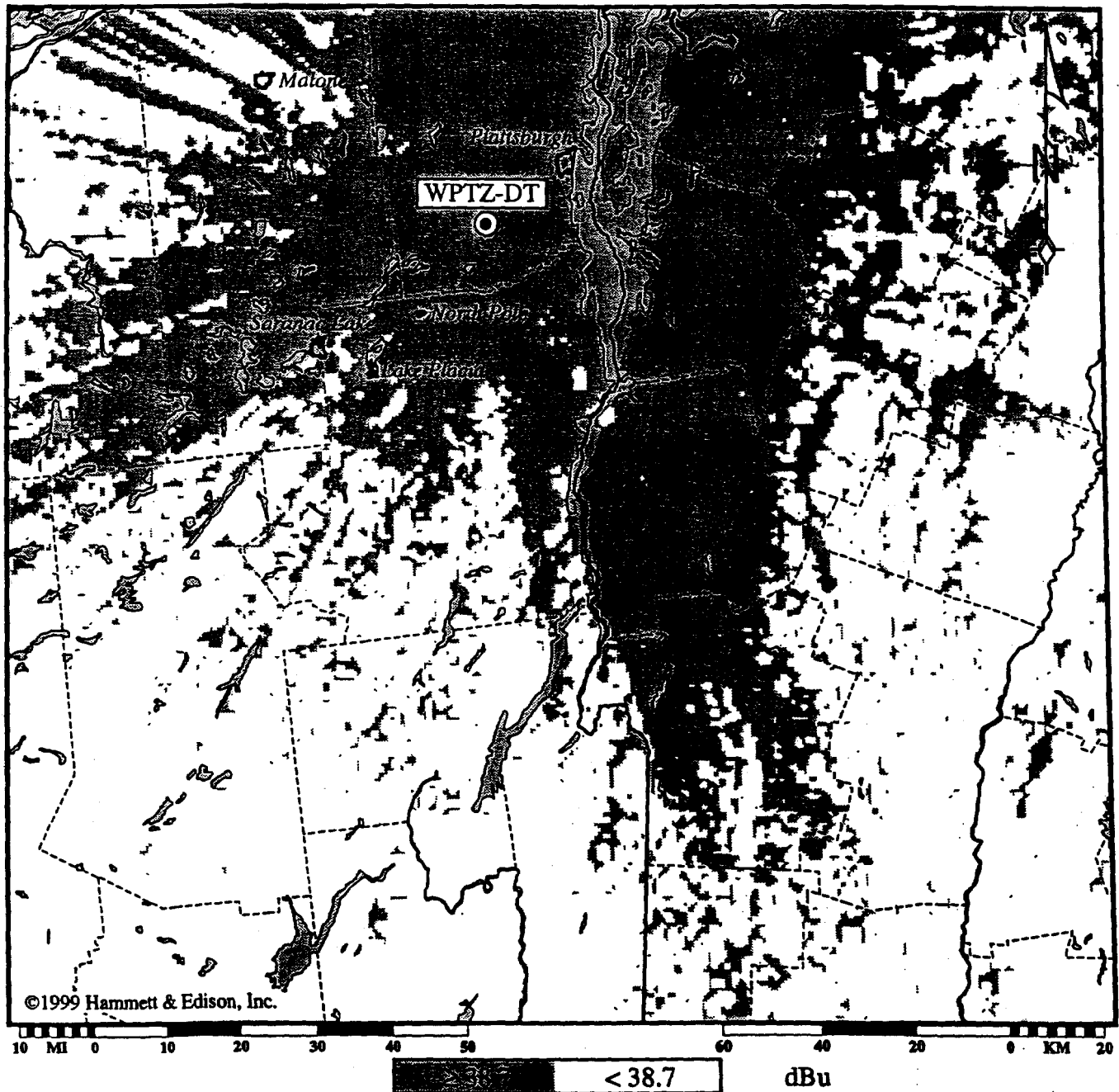


HAMMETT & EDISON, INC.
CONSULTING ENGINEERS

990818
Affidavit

Mt. Mansfield Television, Inc. • Burlington, Vermont

**Terrain-Sensitive Coverage
of Allotted WPTZ-DT Facilities at Terry Mountain
DTV Channel 14, 216 kilowatts (DA), 920 meters AMSL**



Based on proprietary implementation of the JSC Terrain Integrated Rough Earth Model propagation algorithm using 3-second USGS digitized terrain data. Map data taken from Sectional Aeronautical Charts, published by the National Ocean Survey. City limits shown taken from 1995 U.S. Census Bureau TIGER data.



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Figure 1